

Serial No. 09/660,027

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

Claims 1-7 (canceled)

- A<sup>1</sup>
- 1           8. (currently amended) A method for use in connection with a cable modem  
2 system having a cable modem terminating system module and a spectrum analyzer each  
3 having a communication port, the method comprising the step of searching for a  
4 candidate channel having a specified bandwidth within the spectrum allocated for use as  
5 upstream channels that are indicated by said spectrum analyzer to have an acceptable  
6 noise level over a prescribed period of time ~~The invention as defined in claim 6 wherein~~  
7 ~~said searching step failed to find a channel with an acceptable noise level over said~~  
8 ~~prescribed period, the method further comprising the steps of:~~  
9           reducing said prescribed period of time; and  
10          repeating said searching step.

Claims 9-22 (canceled)